

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DAVID HABER,

Plaintiff,

-v.-

CREDIT SESAME, and CREDIT ONE BANK,
N.A.,Defendants.
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ORDER

19 Civ. 11105 (VEC) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Defendant Credit One Bank, N.A. filed a motion to dismiss the complaint on March 13, 2020. See Docket # 21. Defendant Credit Sesame also filed a motion to dismiss, originally on March 23, 2020. See Docket # 23; see also Docket # 26. Both motions to dismiss was served on plaintiff by mail. See Docket # 26-1; Docket # 35 ¶ 8. Plaintiff has not filed any opposition to either motion. In accordance with the Court's Individual Practices, the parties agreed that plaintiff's opposition would be due on April 22, 2020. See Docket # 20. While plaintiff apparently sent defendants a copy of a March 27, 2020, letter to the Court seeking an extension to May 14, 2020, see Docket ## 34, 35, 37, this letter was never filed on ECF and thus the Court was unaware of it. It appears the letter was not sent to the Clerk's Office, whose Pro Se Docketing department would have docketed the letter.

The Court notes that it has never been closed notwithstanding the current pandemic. While plaintiff should have made greater efforts to seek an extension from the Court, the Court will sua sponte grant a further extension to plaintiff. Plaintiff must file his opposition to both defendants' motions by June 3, 2020. He may file his papers by mailing them to Pro Se Docketing, 500 Pearl Street, New York, NY 10007. Alternatively, plaintiff may email his papers by using the instructions available at <https://www.nysd.uscourts.gov/forms/instructions-filing-documents-email>. Any reply is due 14 days after plaintiff's opposition is filed.

Mr. Haber is warned that if he fails to comply with this Order by filing a response to the motions by June 3, 2020, this case may be dismissed for failure to prosecute under Rule 41 of the Federal Rules of Civil Procedure. If plaintiff has a good reason for seeking a further extension, he may send a letter to the Court so requesting and explaining his reasons. Any letter must be filed by following the procedures described above.

Defendants (either or both) are directed to serve a copy of this Order on plaintiff and file proof of service thereof. If they are unable to do so, they shall inform the Court promptly by letter filed on ECF.

SO ORDERED.

Dated: New York, New York
May 13, 2020



GABRIEL W. CORENSTEIN
United States Magistrate Judge